

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)

Against:)

PAUL J. GODBY, M.D.)

Certificate #G-13154)

File No: 09-94-37105

Respondent.)

DECISION AND ORDER

The attached Stipulation for Surrender of License, Decision and Order is hereby accepted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on May 6, 1997.

DATED May 6, 1997.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA



Ira Lubell, M.D.
Chair, Panel A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 RICHARD D. HENDLIN, [State Bar No. 76742]
Deputy Attorney General
3 California Department of Justice
110 West A Street, Suite 1100
4 Post Office Box 85266
San Diego, California 92186-5266
5 Telephone: (619) 645-2071

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) CASE NO. 09-94-37105
Against:)
12) OAH NO. L-9612054
PAUL J. GODBY, M.D.)
13 9313 Valley View) **STIPULATION FOR**
Alta Loma, CA 91701) **SURRENDER OF LICENSE,**
14) **DECISION AND ORDER**
Physician's and Surgeons's)
15 Certificate No. G13154,)
16 Respondent.)

17
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
19 the above-entitled proceedings that the following matters are
20 true:

21 1. Complainant, Ron Joseph, is the Executive Director
22 of the Medical Board of California, Department of Consumer
23 Affairs ("Board") and is represented by Daniel E. Lungren,
24 Attorney General of the State of California by Richard D.
25 Hendlin, Deputy Attorney General.

26 2. Paul J. Godby, M.D. ("respondent") represents
27 himself in this matter without an attorney. Although Respondent
28 has had opportunity to be seek advise by counsel with regards to

1 his rights in this matter, he has voluntarily decided to not
2 consult with an attorney. Respondent has carefully read and
3 fully understands this Stipulation's contents, terms and effects.

4 3. Respondent has received and read the Accusation
5 which is presently on file and pending in Case No. 09-94-37105,
6 before the Division of Medical Quality of the Board ("Division"),
7 a copy of which is attached as Exhibit A and incorporated herein
8 by reference.

9 4. Respondent understands the nature of the charges
10 alleged in the Accusation and that, if proven at hearing, such
11 charges and allegations would constitute cause for imposing
12 discipline upon respondent's license issued by the Board.

13 5. Respondent is aware of each of respondent's
14 rights, including the right to a hearing on the charges and
15 allegations, the right to confront and cross-examine witnesses
16 who would testify against respondent, the right to testify and
17 present evidence on his own behalf, as well as to the issuance of
18 subpoenas to compel the attendance of witnesses and the
19 production of documents, the right to contest the charges and
20 allegations, and other rights which are accorded respondent
21 pursuant to the California Administrative Procedure Act (Gov.
22 Code, § 11500 et seq.) and other applicable laws, including the
23 right to seek reconsideration, review by the superior court, and
24 appellate review.

25 6. Respondent hereby freely, voluntarily, and
26 intelligently waives his rights to a hearing, reconsideration,
27 appeal, and any and all other rights which may be accorded him
28 pursuant to the California Administrative Procedure Act and

1 California Code of Civil Procedure concerning Accusation No. 09-
2 94-37105; OAH No. L-9612054.

3 7. Respondent hereby admits the truth of the
4 allegations contained in Paragraphs 12, 13, and 14 (concerning
5 patient Eric S.) of the Accusation No. 09-94-37105. Respondent
6 agrees that cause exists to discipline his Physician's and
7 Surgeon's license pursuant to Business and Professions Code
8 sections 2227 and 2234, and hereby surrenders his Physician's and
9 Surgeon's license for the Division's formal acceptance.

10 8. Respondent understands that by signing this
11 Stipulation he is enabling the Division to issue its order
12 accepting the surrender of his license without further process.
13 He understands and agrees that Board staff and counsel for
14 complainant may communicate directly with the Division regarding
15 this Stipulation, without notice to or participation by
16 respondent. In the event that this Stipulation is rejected for
17 any reason by the Division, it will be of no force or effect for
18 either party. The Division will not be disqualified from further
19 action in this matter by virtue of its consideration of this
20 Stipulation.

21 9. Upon acceptance of this Stipulation by the
22 Division, respondent understands that he will no longer be
23 permitted to practice as a physician or surgeon in California,
24 and also agrees to surrender and cause to be delivered to the
25 Division both his license and wallet certificate before the
26 effective date of the Decision.

27 10. Respondent fully understands and agrees that if
28 he ever files an application for relicensure or reinstatement

1 in the State of California, the Division shall treat it as a
2 petition for reinstatement, the respondent must comply with all
3 the laws, regulations and procedures for reinstatement of a
4 revoked license in effect at the time the petition is filed,
5 and all of the charges and allegations contained in Accusation
6 No. 09-94-37104 will be deemed to be true, correct and admitted
7 by respondent when the Division determines whether to grant or
8 deny the petition.

9 11. Respondent fully understands and agrees that if he
10 ever files an application for relicensure or reinstatement, he
11 will reimburse the Division the amount of nine thousand, one
12 hundred ninety-nine dollars and ninety-six cents (\$9,199.96) as
13 the costs of investigation and prosecution of this matter as a
14 condition precedent to relicensure or reinstatement.

15 12. This Stipulation for Surrender of License,
16 Decision and Order is intended by the parties herein to be an
17 integrated writing representing the complete, final and exclusive
18 embodiment of the agreements of the parties.

19 ACCEPTANCE

20 I, Paul J. Godby, M.D., have carefully read the above
21 stipulation and enter into it freely and voluntarily, and with
22 full knowledge of its force and effect, do hereby surrender my
23 Physician's and Surgeon's Certificate No. G13154 to the Division
24 for its formal acceptance. By signing this Stipulation to
25 surrender my license, I recognize that upon its formal acceptance
26 by the Division, I will lose all rights and privileges to
27 practice as a physician and surgeon in the State of California
28 and I also will cause to be delivered to the Division both my

1 license and wallet certificate before the effective date of the
2 Decision.

3 DATED: 4/1/97

4 Paul J. Godby MD
5 Paul J. Godby, M.D.
6 Respondent
7
8

9 I concur in this Stipulation.

10
11 DATED: April 7, 1997

12
13 DANIEL E. LUNGREN, Attorney General
14 of the State of California

15 Richard D. Hendlin
16 Richard D. Hendlin
17 Deputy Attorney General

18 Attorneys for Complainant
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EXHIBIT A

DANIEL E. LUNGREN, Attorney General
of the State of California
RICHARD D. HENDLIN, [State Bar No. 76742]
Deputy Attorney General
California Department of Justice
110 West A Street, Suite 1100
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San Diego, California 92186-5266
Telephone: (619) 645-2071

Attorneys for Complainant

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	CASE NO. 09-94-37105
Against:)	
)	
PAUL J. GODBY, M.D.)	ACCUSATION
9313 Valley View,)	
Alta Loma, CA 91701)	
)	
Physician's and Surgeons's)	
Certificate No. GFE-13154)	
)	
Respondent.)	

The complainant alleges:

PARTIES

1. Complainant, Ron Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity as such and not otherwise.

LICENSE STATUS

2. On or about September 24, 1967, License No. G13154 was issued by the Board to Paul J. Godby, M.D., (hereinafter "respondent"), and at all times relevant to the charges brought

1 herein, this license has been in full force and effect. Unless
2 renewed, respondent's license will expire on September 30, 1997.

3 JURISDICTION

4 3. This accusation is brought before the Division of
5 Medical Quality of the Medical Board of California, Department of
6 Consumer Affairs (hereinafter the "Division"), under the
7 authority of the following sections of the California Business
8 and Professions Code (hereinafter "Code"):

9 A. Section 2227 of the Code provides that the
10 Board may revoke, suspend for a period not to exceed one
11 year, or place on probation and order the payment of
12 probation costs, the license of any licensee who has been
13 found guilty under the Medical Practice Act.

14 B. Section 2234 of the Code provides, in
15 pertinent part, that unprofessional conduct includes, but is
16 not limited to, the following:

17 (b) Gross negligence.

18 (c) Repeated negligent acts.

19 (d) Incompetence.

20 4. Section 16.01 of the 1996/1997 Budget Act of
21 the State of California provides, in pertinent part, that:

22 (a) no funds appropriated by this act may be
23 expended to pay any Medi-Cal claim for any service
24 performed by a physician while that physician's license
25 is under suspension or revocation due to a disciplinary
26 action of the Medical Board of California.

27 (b) no funds appropriated by this act may be
28 expended to pay any Medi-Cal claim for any surgical

1 service or other invasive procedure performed on any
2 Medi-Cal beneficiary by a physician if that physician
3 has been placed on probation due to a disciplinary
4 action of the Medical Board of California related to
5 the performance of that specific service or procedure
6 on any patient, except in any case where the board
7 makes a determination during its disciplinary process
8 that there exist compelling circumstances that warrant
9 continued Medi-Cal reimbursement during the
10 probationary period.

11 COST RECOVERY

12 5. California Business and Professions Code section
13 125.3 provides, in pertinent part, that in any order issued in
14 resolution of a disciplinary proceeding, a board may request that
15 the administrative law judge direct a licensee found to have
16 committed a violation or violations of the licensing act to pay a
17 sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case, including charges imposed by the
19 Attorney General.

20 Under section 125.3, subdivision (c), a certified copy
21 of the actual costs or a good faith estimate of costs where
22 actual costs are not available, including investigative and
23 enforcement costs, and charges imposed by the Attorney General,
24 up to the date of the hearing, signed by the designated
25 representative of the entity bringing the proceeding shall be
26 prima facie evidence of reasonable costs of investigation and
27 prosecution of the case.

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1 CAUSES FOR DISCIPLINE

2 FIRST CAUSE FOR DISCIPLINE

3 (Gross Negligence Re: Patient Bill A.)

4 6. Respondent, Paul J. Godby, M.D., has subjected his
5 license to disciplinary action under California Business and
6 Professions Code section 2234, on the grounds of unprofessional
7 conduct as defined by section 2234, subdivisions (b), (c) and (d)
8 of the Code, in his care and treatment of patient Bill A. as more
9 particularly alleged hereinafter:

10 A. On or about November 1, 1993, 62 year-old
11 patient Bill A. underwent an outpatient colonoscopy and
12 polypectomy for three polyps found in the colon.

13 B. On or about November 2 or 3, 1993, patient
14 Bill A. donated one unit of whole blood in anticipation of a
15 scheduled elective suprapubic prostatectomy for cell
16 positive cancer of the prostate.

17 C. On or about November 5, 1993, respondent saw
18 patient Bill A., at Kaiser Hospital, Fontana. Patient Bill
19 A. gave a history of abdominal pain and no bowel movement
20 since November 1 and a blood pressure of 64/50 was recorded
21 which eventually was repeated and found to be 94/60.
22 Respondent's clinical progress note of November 5, 1993,
23 states "no stool post colonoscopy," "looks pale," "blood
24 pressure nearly inaudible 80/60 left arm," "peripheral
25 pulses are poor," "no diaphoresis," "pulse 76," "abdomen
26 generally soft, bowel sounds are present? but hypoactive."
27 Respondent ordered a STAT chest x-ray, abdominal series,
28 complete blood count, electrolytes and BUN. Respondent's

1 note states at 1300 hours the blood pressure was 94/60, a
2 hemoglobin of 16.6 gm and a white blood cell count of
3 19,800. Respondent's plan was to discontinue the blood
4 pressure pills, which included Lopressor, and to recheck
5 the blood pressure on November 8. His assessment was
6 dehydration. Respondent sent patient Bill A. back home.

7 D. A telephone message dated November 4, 1993,
8 at 9:32 a.m., in patient Bill A.'s chart states "a
9 colonoscopy and polypectomy done on November 1, 1993, went
10 to donate blood November 2, iron low, told to increase iron
11 - constipated. Pain in abdomen, temperature 100 degrees,
12 Fleet's done, 2 doses Fibercon, small bowel movement.
13 Doctor notes state increase FE. If continued pain come to
14 Emergency Room."

15 E. On November 8, 1993, patient Bill A., after
16 using a rectal suppository, he had a bowel movement at 3:00
17 a.m. Around 6:00 a.m., he awakened with profuse sweating
18 and felt severely lightheaded. His wife noted he could not
19 be awakened when lying on the bed for a few seconds. He
20 presented to the emergency room at Kaiser Permanente in
21 Fontana, where his chief complaint was that he had passed
22 out. At the hospital, he almost passed out again while
23 going to have an x-ray done. He was admitted to Kaiser
24 Permanente Fontana Hospital with hypotension and abdominal
25 pain. Patient Bill A. rapidly deteriorated. He was taken
26 to surgery on November 9, 1993, and a perforated sigmoid
27 colon was found. Patient Bill A. died November 10, 1993.

28 ///

1 7. Respondent, Paul J. Godby, M.D., has subjected his
2 license to disciplinary action under California Business and
3 Professions Code sections 2220, 2227 and 2234 on the grounds of
4 unprofessional conduct, as defined by section 2234(b) of the
5 Code, in that he is guilty of gross negligence in his care and
6 treatment of patient Bill A. as more particularly alleged
7 hereinafter:

8 A. Paragraph 6, above, is incorporated by
9 reference and realleged as if fully set forth herein.

10 B. Respondent is guilty of gross negligence in
11 his care and treatment of patient Bill A. Said gross
12 negligence includes, but is not limited to, the fact
13 respondent failed to admit patient Bill A. to the hospital
14 for immediate treatment and surgical evaluation on November
15 5, 1993, when there was evidence that there was a serious
16 illness and/or that intensive hospital services were
17 mandated by the patient's clinical condition and the risk of
18 not doing so would be detrimental to the patient.

19 SECOND CAUSE FOR DISCIPLINE

20 (Repeated Negligent Acts Re: Patient Bill A.)

21 8. Respondent, Paul J. Godby, M.D., has further
22 subjected his license to disciplinary action under California
23 Business and Professions Code sections 2220, 2227 and 2234 on the
24 grounds of unprofessional conduct, as defined by section 2234(c)
25 of the Code, in that he is guilty of repeated negligent acts in
26 his care and treatment of patient Bill A. as more particularly
27 alleged hereinafter:

28 \\

1 A. Paragraph 6, above, is incorporated by
2 reference and realleged as if fully set forth herein.

3 B. Respondent is guilty of repeated negligent
4 acts in his care and treatment of patient Bill A. Said
5 repeated negligent acts include, but are not limited to, the
6 fact respondent failed to admit patient Bill A. to the
7 hospital for immediate treatment and surgical evaluation on
8 November 5, 1993, when there was evidence that there was a
9 serious illness and/or that intensive hospital services are
10 mandated by the patient's clinical condition and the risk of
11 not doing so would be detrimental to the patient.

12 THIRD CAUSE FOR DISCIPLINE

13 (Incompetence Re: Patient Bill A.)

14 9. Respondent, Paul J. Godby, M.D., has further
15 subjected his license to disciplinary action under California
16 Business and Professions Code sections 2220, 2227 and 2234 on the
17 grounds of unprofessional conduct, as defined by section 2234(d)
18 of the Code, in that he is guilty of incompetence in his care and
19 treatment of patient Bill A. as more particularly alleged
20 hereinafter:

21 A. Paragraph 6, above, is incorporated by
22 reference and realleged as if fully set forth herein.

23 B. Respondent is guilty of incompetence in his
24 care and treatment of patient Bill A. Said incompetence
25 includes, but is not limited to, respondent's failure to
26 admit patient Bill A. to the hospital for interventional
27 therapy and/or diagnostic evaluation.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Incompetence Re: Patient George D.)

3 10. Respondent, Paul J. Godby, M.D., has further
4 subjected his license to disciplinary action under California
5 Business and Professions Code section 2234, on the grounds of
6 unprofessional conduct as defined by section 2234, subdivisions
7 (c) and (d) of the Code, in his care and treatment of patient
8 George D. as more particularly alleged hereinafter:

9 A. On or about February 6, 1993, 90 year-old
10 patient George D. was admitted to Kaiser Permanente Hospital
11 Fontana with a diagnosis of congestive heart failure. On or
12 about February 11, 1993, he was discharged on medications.

13 B. On or about February 12, 1993, respondent
14 evaluated patient George D. and admitted him to Kaiser
15 Permanente Hospital with a diagnosis of exacerbated
16 congestive heart failure. Respondent's physical findings
17 were that of bilateral ankle edema, a negative hepatojugular
18 reflex, no evidence of left-sided cardiac or ventricular
19 decompensation. The patient's lungs were clear and he
20 denied shortness of breath. A chest x-ray did not have any
21 evidence of heart failure. One of the admitting orders
22 respondent wrote was to obtain CPKs for three days. CPKs
23 are enzymes that one monitors when they are looking for an
24 acute myocardial infarction, which was not a consideration
25 in this patient.

26 11. Respondent, Paul J. Godby, M.D., has further
27 subjected his license to disciplinary action under California
28 Business and Professions Code sections 2220, 2227 and 2234 on the

1 grounds of unprofessional conduct, as defined by section 2234(d)
2 of the Code, in that he is guilty of incompetence in his care and
3 treatment of patient George D. as more particularly alleged
4 hereinafter:

5 A. Paragraph 9, above, is incorporated by
6 reference and realleged as if fully set forth herein.

7 B. Respondent is guilty of incompetence in his
8 care and treatment of patient George D. Said incompetence
9 includes, but is not limited to, respondent's admission of
10 patient George D. to the hospital and failure to treat him
11 as an outpatient in view of no gravity of illness requiring
12 hospitalization demonstrates a lack of knowledge and skill
13 involving the parameters of cardiac disease which might
14 indicate a need for hospitalization.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Repeated Acts of Negligence Re: Patient Eric S.)**

17 12. Respondent, Paul J. Godby, M.D., has further
18 subjected his license to disciplinary action under California
19 Business and Professions Code section 2234, on the grounds of
20 unprofessional conduct as defined by section 2234, subdivisions
21 (c) and (d) of the Code, in his care and treatment of patient
22 Eric S. as more particularly alleged hereinafter:

23 A. On or about May 24, 1995, 81 year-old patient
24 Eric S. was evaluated as an outpatient by respondent at
25 Kaiser Permanente Hospital Fontana for complaints of severe
26 left-sided pain above the navel and severe constipation with
27 small hard stools associated with some abdominal pain and
28 gas. On physical exam, respondent found patient Eric S.'s

1 abdomen distended and tender in the epigastrium without
2 rebound and a small umbilical hernia. The rectal exam was
3 without impaction. A flat and upright x-ray of the abdomen
4 was within normal limits and there was no free air present.
5 There was no small bowel gas and very little colon gas
6 present. Respondent ordered a Fleet's enema, and complete
7 blood count and sent the patient home.

8 B. The next day, May 25, 1994, patient Eric S.
9 returned with abdominal pain and diminished distension.
10 Respondent's examination of patient Eric S. revealed the
11 abdomen to be soft with hypoactive bowel sounds. The
12 abdomen was obese and nontympanitic. Respondent ordered a
13 serum ferritin level, iron and iron binding capacity and
14 ordered Darvocet-N, Iron medication, repeat blood count and
15 a referral to a surgical consultant to evaluate the need for
16 possible umbilical hernia surgery.

17 C. On June 8, 1994, the consulting surgeon saw
18 patient Eric S. and detected 2 large abdominal masses, a
19 left upper quadrant mass 15 x 12 cm mildly tender and a
20 right lower quadrant mass 4 x 5 cm, also tender, and
21 immediately admitted patient Eric S. to the hospital.
22 Respondent had failed to earlier detect these masses.

23 D. The patient was admitted and ultimately after
24 tests went for surgery on June 17, 1994.

25 E. In an interview with the Medical Board's
26 regional Medical Consultant on September 12, 1995,
27 respondent stated it was difficult for him to examine this
28 patient's abdomen because of respondent's disabled left hand

1 following a severe cerebral vascular episode in December
2 1991 which left him with permanent weakness of the left hand
3 and leg and a permanent loss of sensation of the left hand.

4 13. Respondent, Paul J. Godby, M.D., has further
5 subjected his license to disciplinary action under California
6 Business and Professions Code sections 2220, 2227 and 2234 on the
7 grounds of unprofessional conduct, as defined by section 2234(c)
8 of the Code, in that he is guilty of repeated negligent acts in
9 his care and treatment of patient Eric S. as more particularly
10 alleged hereinafter:

11 A. Paragraph 11, above, is incorporated by
12 reference and realleged as if fully set forth herein.

13 B. Respondent is guilty of repeated negligent
14 acts in his care and treatment of patient Eric S. Said
15 repeated negligent acts include, but are not limited to, the
16 following:

17 1. Respondent's failure to detect the large
18 abdominal mass.

19 2. Respondent's failure to further
20 investigate and/or use other diagnostic studies or
21 consultations to investigate patient Eric S.'s
22 continued complaint of abdominal pain.

23 SIXTH CAUSE FOR DISCIPLINE

24 (Incompetence Re: Patient Eric S.)

25 14. Respondent, Paul J. Godby, M.D., has further
26 subjected his license to disciplinary action under California
27 Business and Professions Code sections 2220, 2227 and 2234 on the
28 grounds of unprofessional conduct, as defined by section 2234(d)

1 of the Code, in that he is guilty of incompetence in the practice
2 of his profession as more particularly alleged hereinafter:

3 A. Paragraph 11, above, is incorporated by
4 reference and realleged as if fully set forth herein.

5 B. Respondent is guilty of incompetence in his
6 care and treatment of patient Eric S. Said incompetence
7 includes, but is not limited to, the following:

8 1. Respondent's failure to detect the large
9 abdominal mass demonstrates a lack of knowledge and/or
10 ability in discharging his professional medical
11 obligations.

12 2. Respondent's failure to further
13 investigate and/or use other diagnostic studies or
14 consultations to investigate patient Eric S.'s
15 continued complaint of abdominal pain demonstrates a
16 lack of knowledge and/or ability in discharging his
17 professional medical obligations.

18 SEVENTH CAUSE FOR DISCIPLINE

19 (Gross Negligence Re: Patient Dean T.)

20 15. Respondent, Paul J. Godby, M.D., has further
21 subjected his license to disciplinary action under California
22 Business and Professions Code section 2234, on the grounds of
23 unprofessional conduct as defined by section 2234 subdivisions
24 (b), (c) and (d) of the Code, in his care and treatment of
25 patient Dean T. as more particularly alleged hereinafter:

26 A. On or about May 5, 1992, 77 year-old patient
27 Dean T., who had a known history of congenital Osler-Weber-
28 Rendau syndrome, was admitted to Fontana Kaiser Permanente

1 Hospital by the emergency room physician, Dr. C. At 0710
2 hours that morning Dr. C. evaluated the patient and admitted
3 him to the service of respondent. Respondent assumed the
4 patient's care that morning and dictated a history and
5 physical. He stated that the patient was admitted for
6 increased shortness of breath and chest pain which was
7 diminished by the use of nitroglycerine and was admitted for
8 observation. He also stated that the patient had Osler-
9 Weber-Rendau disease and has had numerous admissions for
10 gastrointestinal bleeding secondary to Osler-Weber-Rendau
11 disease (Osler-Weber-Rendau disease is a hereditary defect
12 characterized by superficial anastomosis of capillaries
13 which often bleed). He also stated that this patient must
14 avoid aspirin products because of the risk of bleeding.

15 B. On May 6, 1992, at 11:00 a.m., respondent
16 wrote an order to start Heparin 400 units per milliliter per
17 standing pharmacy protocol, which was carried out by the
18 registered pharmacist. The patient subsequently received a
19 bolus of 5000 units followed by 1000 units of Heparin per
20 hour. A nurse's note on May 6 at 1315 hours stated that the
21 patient was concerned about the Heparin therapy due to his
22 previous gastrointestinal bleeding and this was related to
23 respondent who answered his page but did not change any
24 orders. The heparin was discontinued on May 7 at 0715 hours
25 by Dr. L., who was the medical officer of the day, because
26 of a PTT of 83 seconds. Respondent's records, in a progress
27 note on May 8, state that the patient complained of head
28 pounding with exercise and respondent wondered about his

1 hemoglobin which was unchecked, and then he wrote "will
2 discharge."

3 C. On May 7, 1992, at 0500 hours the nurse's
4 notes state that the patient had a large black tarry stool
5 and is currently on Heparin drip. The house M.D. was
6 notified and ordered Heparin to be discontinued at 0715
7 hours. There was no mention anywhere in respondent's
8 progress notes of the black tarry stool mentioned in the
9 nurse's note on May 7 at 0500 and no order to recheck the
10 hemoglobin and hematocrit or PTT was ordered. A complete
11 blood count revealed a hemoglobin of 7.4 and a hematocrit of
12 21.8 which was returned to the floor after the patient's
13 discharge. This was noted in a nursing note care plan which
14 stated that the results were reviewed at 1430 hours, after
15 the patient had been discharged, and respondent was
16 notified.

17 16. Respondent, Paul J. Godby, M.D., has further
18 subjected his license to disciplinary action under California
19 Business and Professions Code sections 2220, 2227 and 2234 on the
20 grounds of unprofessional conduct, as defined by section 2234(b)
21 of the Code, in that he is guilty of gross negligence in his care
22 and treatment of patient Dean T. as more particularly alleged
23 hereinafter:

24 A. Paragraph 14, above, is incorporated by
25 reference and realleged as if fully set forth herein.

26 B. Respondent is guilty of gross negligence in
27 his care and treatment of patient Dean T. Said gross
28 negligence includes, but is not limited to, the following:

1 1. The failure to modify the Heparin
2 administration dosage for a patient with an extreme
3 high risk of bleeding noted by respondent in his
4 history & physical.

5 2. The failure to order hemoglobin and
6 hematocrit following a black stool which represented
7 bleeding in the gastrointestinal tract and/or the
8 ordering of stool for occult blood and to repeat the
9 PTT in four hours in order to consider the possibility
10 of using fresh frozen plasma to reverse Heparin-induced
11 bleeding in a high risk bleeding patient.

12 EIGHTH CAUSE FOR DISCIPLINE

13 (Repeated Negligent Acts Re: Patient Dean T.)

14 17. Respondent, Paul J. Godby, M.D., has further
15 subjected his license to disciplinary action under California
16 Business and Professions Code sections 2220, 2227 and 2234 on the
17 grounds of unprofessional conduct, as defined by section 2234(c)
18 of the Code, in that he is guilty of repeated negligent acts in
19 his care and treatment of patient Dean T. as more particularly
20 alleged hereinafter:

21 A. Paragraph 14, above, is incorporated by
22 reference and realleged as if fully set forth herein.

23 B. Respondent is guilty of repeated negligent
24 acts in his care and treatment of patient Dean T. Said
25 repeated negligent acts include, but are not limited to, the
26 following:

27 1. The failure to modify the Heparin
28 administration dosage for a patient with an extreme

1 high risk of bleeding noted by respondent in his
2 history & physical.

3 2. The failure to order hemoglobin and
4 hematocrit following a black stool which represented
5 bleeding in the gastrointestinal tract and/or the
6 ordering of stool for occult blood and to repeat the
7 PTT in four hours in order to consider the possibility
8 of using fresh frozen plasma to reverse Heparin-induced
9 bleeding in a high risk bleeding patient.

10 3. The failure to call in a proper cardiac
11 consultant to evaluate a complex cardiac coronary
12 insufficiency or unstable coronary patient when the
13 possibility of anti-anginal therapy may have needed to
14 include the use of Heparin in a patient whose risk was
15 so great for bleeding.

16 4. The failure to appropriately monitor
17 hemoglobin and hematocrit for potential bleeding while
18 using Heparin.

19 5. The failure to notice that the patient
20 had a black tarry stool recorded in the nurses notes.

21 6. The failure to have been aware of the
22 patient's hemoglobin and hematocrit before respondent
23 discharged the patient.

24 **NINTH CAUSE FOR DISCIPLINE**

25 **(Incompetence Re: Patient Dean T.)**

26 18. Respondent, Paul J. Godby, M.D., has further
27 subjected his license to disciplinary action under California
28 Business and Professions Code sections 2220, 2227 and 2234 on the

1 grounds of unprofessional conduct, as defined by section 2234(d)
2 of the Code, in that he is guilty of incompetence in his care and
3 treatment of patient Dean T. as more particularly alleged
4 hereinafter:

5 A. Paragraph 14, above, is incorporated by
6 reference and realleged as if fully set forth herein.

7 B. Respondent is guilty of incompetence in his
8 care and treatment of patient Dean T. Said incompetence
9 includes, but is not limited to, respondent's overall
10 treatment of patient Dean T. demonstrates a lack of
11 knowledge of this patient's disease processes and his
12 failure to institute an appropriate treatment plan and
13 careful monitoring demonstrates a lack of knowledge of
14 current treatment of Heparin and the gravity of Osler-Weber-
15 Rendau disease as far as a bleeding diathesis when a patient
16 such as this might require heparinization.

17 PRAYER

18 **WHEREFORE**, the complainant requests that a hearing be
19 held on the matters herein alleged, and that following the
20 hearing, the Division issue a decision:

21 1. Revoking or suspending Physician's and
22 Surgeon's License Number G13154 heretofore issued to
23 respondent Paul J. Godby, M.D.

24 2. Pursuant to Business and Professions Code
25 section 125.3, ordering respondent to pay to the
26 Division the actual and reasonable costs of the
27 investigation and enforcement of this case, and if

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1 placed on probation, the costs of probation monitoring of
2 this case.

3 3. Taking such other and further action as the
4 Division deems necessary and proper.

5 DATED: November 18, 1996.

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8 Ronald Joseph
9 Executive Director
10 Medical Board of California
11 Department of Consumer Affairs
12 State of California

13 Complainant

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